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10/706,289

11/13/2003

Moriyuki Chimura

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GRIFFIN & SZIPL, PC

SUITE PH-1

2300 NINTH STREET, SOUTH

ARLINGTON, VA 22204

EXAMINER

MCCORMICK, GABRIELLE A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,289	Applicant(s) CHIMURA, MORIYUKI	
	Examiner GABRIELLE MCCORMICK	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/16/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on November 13, 2003.
2. Claims 1-20 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statement filed on April 16, 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the priority ranking component" lacks proper antecedent basis in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Pat. No. 7,058,566) in view of Barchi (US Pat. No. 6,507,866), in view of Applicant's Admissions, in view of Russell-Falla et al. (US Pat. No. 6,675,162, hereafter referred to as "Russell-Falla").
8. **Claim 1:** Shaw discloses
- *a) at least one step wherein electronic information is received by the one or more receiving servers; (C13; L3-5)*
 - *b) at least one step wherein one or more senders of electronic information are identified by the one or more receiving servers; (C13; L3-5 and L13-20)*
 - *c) at least one step wherein the number of received transmissions deemed to have been received from each sender is determined by the one or more receiving servers; (C16; L2-6)*
 - *e) at least one search step wherein one or more groups of keywords are used in keyword searching by the one or more receiving servers for one or more keywords contained within the electronic information received at the receiving step; (C13; L44-52)*
 - *g) at least one step wherein one or more comments are created by the one or more receiving servers (C22; L52 - C23; L65:Comments are based on keywords:C23; L1-7 and frequency of messages: C23; L10-13))*
 - *h) at least one step wherein one or more reports are generated by the one or more receiving servers, wherein each report comprises information corresponding to senders, the numbers of transmissions received, and attached comments. (Tables A and C and C23; L17-20)*
9. Shaw does not disclose *d) at least one step wherein a first priority ranking is decided by the one or more receiving servers based on the number of transmissions received from each sender; keywords previously assigned information-related importance levels; f) at least one step wherein a second priority ranking is decided by the one or more receiving servers based on respective importance levels assigned to at least one keyword extracted as a result of the keyword search of the received information.*

10. Barchi, however, discloses counting e-mail messages (C7; L20-22) and determining whether a max threshold has been exceeded (C8; L7-20). The step of flagging to designate that an originator has exceeded a threshold is the first priority ranking.
11. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a first ranking based on frequency, as disclosed by Barchi, in the system of Shaw for the motivation of alerting a user to an author whose e-mail usage is unusually high. Shaw discloses that warnings are based on increases in e-mail usage over a period of time. By expanding Shaw to include a maximum threshold ranking as setting a priority for warnings, authors who exceeded the threshold who be immediately flagged, rather than waiting for a historical perspective to develop in order to determine unusual e-mail usage.
12. The Applicant admits in P[0006] and [0009] that the “Japanese ‘071 Application” determines the priority ranking of e-mails based on pre-established keywords that sorts e-mails based on the calculated total values of weighted indices (P[0006]) and “importance level(s) are determined corresponding to previously established keywords” (P[0009]). Because only the abstract of this cited prior art was provided in English, the Examiner is relying on the Applicant's admission regarding the content of the Japanese application. It is not explicitly clear that this reference teaches that keywords have been previously assigned information-related importance levels, however, Russell-Falla teaches a weighting is provided for each word or phrase in a word list. (C3; L46-46).
13. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included word weightings, as disclosed by Russell-Falla, in the system of Shaw for the motivation of providing a more precise means of calculating the “Negatives” and “Alert phrases” such that more inflammatory words would impact the scores proportionally. Weightings are an old and well known means of producing scores that are more meaningful to a user.
14. It also would have been obvious to one of ordinary skill in the art at the time of the invention to have included priority ranking, as disclosed by Applicant's Admissions, in the system of Shaw for the motivation of alerting a user to an author whose e-mail usage contains particularly

inflammatory words. Shaw discloses that warnings are based on increases in Negatives and Alert Phrases. By expanding Shaw to include a priority settings means for warnings, based authors who use various inflammatory words, ranked by their relative weightings in terms of degree of importance, a user would be alerted to an immediate situation of an author in crisis.

15. Shaw does not disclose that *each report comprises information corresponding to the plurality of senders*. However, it is obvious that a reporting capability as disclosed by Shaw wherein a report is generated based on a single sender (Tables A and C and C23; L17-20) is capable of being expanded to include a plurality of senders.
16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a plurality of senders in a report in the system disclosed by Shaw for the motivation of creating a single report with all the generated warnings regarding a plurality of authors for a user to respond to. Summary reports such as these are an old and well known means of highlighting data that requires immediate action.
17. **Claim 2:** Shaw discloses module 22 includes at least one personal (i.e., individual) and organization (i.e., universal) keyword algorithm which processes phrases to identify the author's psychological state. (C13; L63-67). Shaw also discloses module 20 that contains at least one psychological profiling algorithm to measure the author's emotional state. (C14; L57-63). Module 20 is also deemed to contain "universal" items in that all authors can be evaluated with regard to their psychological states. Col. 1; line 52 - col. 2; line 40 teaches various algorithms used to profile psychological states. It is inherent that in analyzing an e-mail that these represent "universal" items in order to effectively measure the psychological state of each author. Col. 2; line 42- col. 3; line 21 teach the score interpretations (i.e., comments) based on the psychological profile. An example of comments corresponding to universal items ("phrases, such as "no, not, never,") and individual items (increase in e-mails to supervisor, Ms. Brown) are found in col. 22; line 62 - col. 23; line 16.
18. **Claim 3:** Shaw does not disclose moving individual keyword data contained within one or more databases to shared keyword databases.

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19. However, Russell-Falla teaches analyzing content relative to a “predetermined database of words” (C2; L56-58).
20. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included keywords contained in a database, as disclosed by Russell-Falla, in the system of Shaw for the motivation of providing an old and well known means of storing keyword data used by the parser in analyzing keywords and phrases in e-mails so that they can be counted and recorded. (Shaw; C13; L44-51).
21. Further, it is old and well known to move or copy data from one database to another. One of ordinary skill in the art at the time of the invention would have been motivated to move data from one database to another in order to segregate data by type, thus organizing data and making searches more efficient. Shaw discloses that the parser tabulates words to identify categories of information (C13; L44-48), therefore, it is obvious that the substitution of comparing e-mails to keyword databases segregated by type in place of the parsing then categorizing, would accomplish the same objective of identifying the content of an e-mail based on categories of information.
22. **Claim 4:** Shaw discloses module 22 includes at least one personal (i.e., individual) and organization keyword algorithm which processes phrases to identify the author’s psychological state. (C13; L63-67). Shaw also discloses module 20 that contains at least one psychological profiling algorithm to measure the author’s emotional state. (C14; L57-63). Module 20 is also deemed to contain “shared” items in that all authors can be evaluated with regard to their psychological states. Col. 1; line 52 - col. 2; line 40 teaches various algorithms used to profile psychological states. It is inherent that in analyzing an e-mail that these represent “shared” items in order to effectively measure the psychological state of each author. Shaw does not teach comparing the e-mail to a first database of shared keywords, followed by a comparison to a second database of individual keywords.
23. However, Russell-Falla teaches analyzing content relative to a “predetermined database of words” (C2; L56-58).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included keywords contained in a database, as disclosed by Russell-Falla, in the system of Shaw for the motivation of providing an old and well known means of storing keyword data used by the parser in analyzing keywords and phrases in e-mails so that they can be counted and recorded. (Shaw; C13; L44-51).
25. Further, it is old and well known to employ more than one database of keywords. One of ordinary skill in the art at the time of the invention would have been motivated use two databases in order to segregate data by type, thus organizing data and making searches more efficient. Shaw discloses that the parser tabulates words to identify categories of information (C13; L44-48), therefore, it is obvious that the substitution of comparing e-mails to keyword databases segregated by type in place of the parsing then categorizing, would accomplish the same objective of identifying the content of an e-mail based on categories of information.
26. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell-Falla et al. (US Pat. No. 6,675,162, hereafter referred to as "Russell-Falla") in view of Reddington (US Pat. No. 4,554,631).
27. **Claim 5:** Russell-Falla discloses *one or more steps wherein each word making up text contained within received information is sequentially compared with one or more keywords belonging to the plurality of grouped keyword databases* (C4; L59-63 and C7; L36-37: different weighting databases can be provided, thus comparison can be performed using a plurality of databases). Russell-Falla also discloses a "Match list" that contains all expressions that are found (C5; L1-3).
28. Russell-Falla does not disclose setting a Y flag when matches are found and setting an N flag when no match is found.
29. Reddington, however, discloses searching for keywords and when a word isn't found, displaying it with the label "not found" and when a word is found, a counter is incremented and a flag is set to indicate the fact and the word is stored in a query key-word tag list. (i.e., extracted keyword database). (C5; L37-56).

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30. It is obvious that the label: “not found” is an obvious variant of setting an N flag when a word is not found. Furthermore, the act of setting a flag only when a word is found is also an obvious variant on setting a different flag for Y (found) and N (not found).
31. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included flags to indicate detection of a matching word, as disclosed by Reddington, in the system of Russell-Falla for the motivation of providing a record of the terms that were searched and which were found. Russell-Falla provides a “Match list” (C5; L2), thus anticipating the need to provide such a record.
32. Reddington does not disclose setting a Y flag, however, the name of the flag is **nonfunctional descriptive data** and is not functionally involved in the steps recited. **The flagging of a match would be performed regardless of the name of the flag.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a Y flag because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the name of the flag does not patentably distinguish the claimed invention.
34. **Claims 6, 7, 9, 10, 12, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Pat. No. 7,058,566) in view of Barchi (US Pat. No. 6,507,866), in view of Applicant's Admissions, in view of Official Notice.
35. **Claim 6:** Shaw discloses
- *a signal receiving component connected to receive the electronic information; (C13; L3-5)*
 - *a keyword analyzing component connected to receive the electronic information and the received electronic information from the receiving component, wherein the keyword analyzing component performs a keyword search of the received electronic information; (C13; L44-52)*

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- *a comment component connected to receive the electronic information and the received electronic information from the keyword analyzing component, wherein the comment component generates one or more comments; (C22; L52 - C23; L65:Comments are based on keywords:C23; L1-7 and frequency of messages: C23; L10-13))*
 - *a report component connected to receive the received electronic information, and the one or more generated comments, wherein the report component generates one or more reports incorporating the received electronic information, and the one or more generated comments. (Tables A and C and C23; L17-20)*
- 36.** Shaw does not disclose *the receiving component determines a first priority ranking of the received electronic information; a second priority ranking of the received electronic information based on keywords extracted from the received electronic information; the comment component calculates a final priority ranking or the report includes the final priority ranked information.*
- 37.** Barchi, however, discloses counting e-mail messages (C7; L20-22) and determining whether a max threshold has been exceeded (C8; L7-20). The step of flagging to designate that an originator has exceeded a threshold is the first priority ranking.
- 38.** Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a first ranking based on frequency, as disclosed by Barchi, in the system of Shaw for the motivation of alerting a user to an author whose e-mail usage is unusually high. Shaw discloses that warnings are based on increases in e-mail usage over a period of time. (C16; L2-6) By expanding Shaw to include a maximum threshold ranking as setting a priority for warnings, authors who exceeded the threshold who be immediately flagged, rather than waiting for a historical perspective to develop in order to determine unusual e-mail usage.
- 39.** The Applicant admits in P[0006] and [0009] that the “Japanese ‘071 Application” determines the priority ranking of e-mails based on pre-established keywords that sorts e-mails based on the calculated total values of weighted indices (P[0006]) and “importance level(s) are determined corresponding to previously established keywords” (P[0009]). Because only the abstract of this

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cited prior art was provided in English, the Examiner is relying on the Applicant's admission regarding the content of the Japanese application.

40. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included priority ranking, as disclosed by Applicant's Admissions, in the system of Shaw for the motivation of alerting a user to an author whose e-mail usage contains particularly inflammatory words. Shaw discloses that warnings are based on increases in Negatives and Alert Phrases. By expanding Shaw to include a priority settings means for warnings, based authors who use various inflammatory words, ranked by their relative weightings in terms of degree of importance, a user would be alerted to an immediate situation of an author in crisis.
41. Shaw discloses generating an output communication (i.e., report) when the quantification of at least one type of information for at least one category differs from the reference by some criteria (C14; L38-46), a score from the keyword algorithm (C17; L27-33) and a scoring database 214 where individual scores are saved and summarized and passed to the reporting and warning generator (C21; L23-33). Shaw does not explicitly disclose a final score (i.e., final priority ranking).
42. However, the Examiner takes Official Notice that it is old and well known to combine scores from individual components, such as "negatives" "Alert Phrases" and "Messages per week to target" (Table A; Col. 22) to create an overall or final score. It is well known to generate a score based on various criteria in order to determine a final, comprehensive score. Such scoring systems are well known in the matchmaking arts where people are scored in a plethora of criteria and an overall score is calculated. Further, it is old and well known to use a score to generate a rank. Applicant's admission discloses calculating a value and sorting to order e-mail in a priority ranking based on the values.
43. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included ranking based on a final score, as disclosed by Applicant's Admission and Official Notice, in the system of Shaw for the motivation of alerting a user to an author whose is demonstrating behaviors indicative of a person in crisis. Shaw discloses that warnings are based

on increases in e-mail usage over a period of time (C16; L2-6) and keywords. By expanding Shaw to include a maximum threshold ranking as setting a priority for warnings, authors who exceeded the threshold who be immediately flagged, rather than waiting for a historical perspective to develop in order to determine unusual e-mail usage.

44. **Claim 7:** Shaw discloses the internet. (C13; L26-28).
45. **Claim 9:** Shaw discloses a sender determining component that determines the identity of the sender (C13; L3-5) and a transmissions determining component that determines the number of transmission received from each sender. (C23; L10-13).
46. **Claim 10:** Shaw does not disclose a priority ranking component that utilizes the identity of each sender and the number of transmissions.
47. Barchi, however, discloses counting e-mail messages (C7; L20-22) and determining whether a max threshold has been exceeded (C8; L7-20). The step of flagging to designate that an originator has exceeded a threshold is the first priority ranking.
48. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a first priority ranking based on frequency, as disclosed by Barchi, in the system of Shaw for the motivation of alerting a user to an author whose e-mail usage is unusually high. Shaw discloses that warnings are based on increases in e-mail usage over a period of time. (C16; L2-6) By expanding Shaw to include a maximum threshold ranking as setting a priority for warnings, authors who exceeded the threshold who be immediately flagged, rather than waiting for a historical perspective to develop in order to determine unusual e-mail usage.
49. **Claim 12:** Shaw discloses generating scores based on keywords and message frequency (C22; Table A) and a scoring database where scores are saved and summarized to produce means for use in comparing to current communications (C21; L23-29). Shaw does not disclose a final priority ranking based on category scores.
50. However, the Examiner takes Official Notice that it is old and well known to combine scores from individual components, such as “negatives” “Alert Phrases” and “Messages per week to target” (Table A; Col. 22) to create an overall or final score. It is well known to generate a score based

on various criteria in order to determine a final, comprehensive score. Such scoring systems are well known in the matchmaking arts where people are scored in a plethora of criteria and an overall score is calculated. Further, it is old and well known to use a score to generate a rank. Applicant's admission discloses calculating a value and sorting to order e-mail in a priority ranking based on the values.

51. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included ranking based on a final score, as disclosed by Applicant's Admission and Official Notice, in the system of Shaw for the motivation of alerting a user to an author whose is demonstrating behaviors indicative of a person in crisis. Shaw discloses that warnings are based on increases in e-mail usage over a period of time (C16; L2-6) and keywords. By expanding Shaw to include a maximum threshold ranking as setting a priority for warnings, authors who exceeded the threshold who be immediately flagged, rather than waiting for a historical perspective to develop in order to determine unusual e-mail usage.
52. **Claim 13:** Shaw discloses *the report component organizes the extracted keywords, (C23; L17-20) the number of received transmissions,(C22; Table A and L59-61) the one or more comments,(C23; L21-65) and the received electronic information into a report format, (C23; 18-20) then sends one or more reports to a predetermined destination. (C15; L44-47).*
53. Shaw does not disclose including *the first priority ranking or the second priority ranking* in the report, however, as cited in claim 6, the combination of Barchi and Applicant's Admission disclose a first and second priority ranking. Further, Shaw discloses that scores are provided (C22; Table A and L52-61) in the report, therefore, it is obvious to additionally provide the ranking data in a report.
54. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included rankings in the report, as disclosed by the combination of Barchi and Applicant's Admission, in the system of Shaw for the motivation of providing an alert that includes a priority for warnings.

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55. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Pat. No. 7,058,566) in view of Barchi (US Pat. No. 6,507,866), in view of Applicant's Admissions, in view of Official Notice in further view of Marsh (US Pat. No. 6,763,462).
56. **Claim 8:** Shaw discloses a sender determining component that determines the identity of the sender (C13; L3-5) and a transmissions determining component that determines the number of transmission received from each sender. (C23; L10-13). Shaw does not disclose a virus checking component that checks for computer viruses.
57. Marsh, however, discloses a method to detect computer viruses that replicate through electronic mail. (C1; L5-7).
58. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included virus detection, as disclosed by Marsh, in the system of Shaw for the motivation of preventing the hindrance of computer operations and deletion or corruption of crucial system files, data files and applications by viruses that are transmitted via e-mail. (Marsh; C1; L11-18).
59. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Pat. No. 7,058,566) in view of Barchi (US Pat. No. 6,507,866), in view of Applicant's Admissions, in view of Official Notice, in further view of Russell-Falla et al. (US Pat. No. 6,675,162, hereafter referred to as "Russell-Falla") in further view of Reddington (US Pat. No. 4,554,631).
60. **Claim 11:** Shaw discloses a keyword extraction database that saves the words and phrases identified by the parser (C13; L44-55). Shaw does not disclose a keyword database or setting a Y flag when a match is found.
61. However, Russell-Falla teaches analyzing content relative to a "predetermined database of words" (C2; L56-58).
62. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included keywords contained in a database, as disclosed by Russell-Falla, in the system of Shaw for the motivation of providing an old and well known means of storing keyword data

used by the parser in analyzing keywords and phrases in e-mails so that they can be counted and recorded. (Shaw; C13; L44-51).

63. Reddington discloses searching for keywords and when a word is found, a counter is incremented and a flag is set to indicate the fact and the word is stored in a query key-word tag list. (i.e., extracted keyword database). (C5; L37-56).
64. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included flags to indicate detection of a matching word, as disclosed by Reddington, in the system of Russell-Falla for the motivation of providing a record of the terms that were searched and which were found. Russell-Falla provides a "Match list" (C5; L2), thus anticipating the need to provide such a record.
65. Reddington does not disclose setting a Y flag, however, the name of the flag is **nonfunctional descriptive data** and is not functionally involved in the steps recited. **The flagging of a match would be performed regardless of the name of the flag.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
66. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a Y flag because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the name of the flag does not patentably distinguish the claimed invention.
67. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Pat. No. 7,058,566) in view of Barchi (US Pat. No. 6,507,866).
68. **Claim 14:** Shaw discloses
- *receiving electronic information into a receiving server;* (C13; L3-5)
 - *identifying a sender corresponding to each transmission contained within the received electronic information;* (C13; L3-5 and L13-20)

- *determining the number of received transmissions contained within the received electronic information;* (C16; L2-6)
69. Shaw does not disclose *performing a first priority ranking of the received electronic information based upon sender criteria and the number of received transmissions.*
70. Barchi, however, discloses counting e-mail messages (C7; L20-22) and determining whether a max threshold has been exceeded (C8; L7-20). The step of flagging to designate that an originator has exceeded a threshold is the first priority ranking.
71. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a first priority ranking based on frequency, as disclosed by Barchi, in the system of Shaw for the motivation of alerting a user to an author whose e-mail usage is unusually high. Shaw discloses that warnings are based on increases in e-mail usage over a period of time. (C16; L2-6) By expanding Shaw to include a maximum threshold ranking as setting a priority for warnings, authors who exceeded the threshold who be immediately flagged, rather than waiting for a historical perspective to develop in order to determine unusual e-mail usage.
72. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Pat. No. 7,058,566) in view of Barchi (US Pat. No. 6,507,866), in further view of Marsh (US Pat. No. 6,763,462).
73. **Claim 8:** Shaw does not disclose a virus checking component that checks for computer viruses.
74. Marsh, however, discloses a method to detect computer viruses that replicate through electronic mail. (C1; L5-7).
75. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included virus detection, as disclosed by Marsh, in the system of Shaw for the motivation of preventing the hindrance of computer operations and deletion or corruption of crucial system files, data files and applications by viruses that are transmitted via e-mail. (Marsh; C1; L11-18).

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76. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Pat. No. 7,058,566) in view of Barchi (US Pat. No. 6,507,866), in further view of Russell-Falla et al. (US Pat. No. 6,675,162, hereafter referred to as "Russell-Falla") in view of Reddington (US Pat. No. 4,554,631).
77. **Claims 16 and 17:** Shaw discloses a keyword extraction database that saves the words and phrases identified by the parser (C13; L44-55). Shaw does not disclose a keyword database or setting a Y flag when a match is found or setting an N flag when there is no match.
78. However, Russell-Falla teaches analyzing content relative to a "predetermined database of words" (C2; L56-58).
79. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included keywords contained in a database, as disclosed by Russell-Falla, in the system of Shaw for the motivation of providing an old and well known means of storing keyword data used by the parser in analyzing keywords and phrases in e-mails so that they can be counted and recorded. (Shaw; C13; L44-51).
80. Russell-Falla does not disclose setting a Y flag when matches are found and setting an N flag when no match is found.
81. Reddington, however, discloses searching for keywords and when a word isn't found, displaying it with the label "not found" and when a word is found, a counter is incremented and a flag is set to indicate the fact and the word is stored in a query key-word tag list. (i.e., extracted keyword database). (C5; L37-56).
82. It is obvious that the label: "not found" is an obvious variant of setting an N flag when a word is not found. Furthermore, the act of setting a flag only when a word is found is also an obvious variant on setting a different flag for Y (found) and N (not found).
83. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included flags to indicate detection of a matching word, as disclosed by Reddington, in the system of Russell-Falla for the motivation of providing a record of the terms that were

- searched and which were found. Russell-Falla provides a "Match list" (C5; L2), thus anticipating the need to provide such a record.
84. Reddington does not disclose setting a Y flag, however, the name of the flag is **nonfunctional descriptive data** and is not functionally involved in the steps recited. **The flagging of a match would be performed regardless of the name of the flag.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
85. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a Y flag because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the name of the flag does not patentably distinguish the claimed invention.
86. **Claims 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US Pat. No. 7,058,566) in view of Barchi (US Pat. No. 6,507,866), in view of Russell-Falla et al. (US Pat. No. 6,675,162, hereafter referred to as "Russell-Falla") in view of Reddington (US Pat. No. 4,554,631) in further view of Applicant's Admissions and in view of Official Notice.
87. **Claim 18:** Shaw discloses extracted keywords (C13; L44-52) but does not disclose a second priority ranking or a final priority ranking utilizing the first and second priority rankings.
88. However, the Applicant admits in P[0006] and [0009] that the "Japanese '071 Application" determines the priority ranking of e-mails based on pre-established keywords that sorts e-mails based on the calculated total values of weighted indices (P[0006]) and "importance level(s) are determined corresponding to previously established keywords" (P[0009]). Because only the abstract of this cited prior art was provided in English, the Examiner is relying on the Applicant's admission regarding the content of the Japanese application.
89. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included a second priority ranking, as disclosed by Applicant's Admissions, in the system of Shaw

for the motivation of alerting a user to an author whose e-mail usage contains particularly inflammatory words. Shaw discloses that warnings are based on increases in Negatives and Alert Phrases. By expanding Shaw to include a priority settings means for warnings, based authors who use various inflammatory words, ranked by their relative weightings in terms of degree of importance, a user would be alerted to an immediate situation of an author in crisis.

90. Shaw discloses generating an output communication (i.e., report) when the quantification of at least one type of information for at least one category differs from the reference by some criteria (C14; L38-46), a score from the keyword algorithm (C17; L27-33) and a scoring database 214 where individual scores are saved and summarized and passed to the reporting and warning generator (C21; L23-33). Shaw does not explicitly disclose a final score (i.e., final priority ranking).
91. However, the Examiner takes Official Notice that it is old and well known to combine scores from individual components, such as “negatives” “Alert Phrases” and “Messages per week to target” (Table A; Col. 22) to create an overall or final score. It is well known to generate a score based on various criteria in order to determine a final, comprehensive score. Such scoring systems are well known in the matchmaking arts where people are scored in a plethora of criteria and an overall score is calculated. Further, it is old and well known to use a score to generate a rank. Applicant's admission discloses calculating a value and sorting to order e-mail in a priority ranking based on the values.
92. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included ranking based on a final score, as disclosed by Applicant's Admission and Official Notice, in the system of Shaw for the motivation of alerting a user to an author whose is demonstrating behaviors indicative of a person in crisis. Shaw discloses that warnings are based on increases in e-mail usage over a period of time (C16; L2-6) and keywords. By expanding Shaw to include a maximum threshold ranking as setting a priority for warnings, authors who exceeded the threshold who be immediately flagged, rather than waiting for a historical perspective to develop in order to determine unusual e-mail usage.

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- 93. Claims 19 and 20:** Shaw discloses *the report component organizes the extracted keywords, (C23; L17-20) the number of received transmissions, (C22; Table A and L59-61) the one or more comments, (C23; L21-65) and the received electronic information into a report format, (C23; 18-20: it is inherent in the ability to retrieve the original emails that they are attached) then sends one or more reports to a predetermined destination. (C15; L44-47).*
- 94.** Shaw does not disclose including the first, second or final priority ranking in the report, however, as cited in claim 18, the combination of Barchi and Applicant's Admission disclose a first and second priority ranking and Official Notice discloses a final priority ranking. Shaw discloses that scores are provided (C22; Table A and L52-61) in the report, therefore, it is obvious to additionally provide the ranking data in a report.
- 95.** Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included rankings in the report, as disclosed by the combination of Barchi, Applicant's Admission and Official Notice, in the system of Shaw for the motivation of providing an alert that includes a priority for warnings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629